

Was 20% on Aug 92 and it couldn't go back any further
DSS taken J back to August '92 when they stated
he was 35% backdated
max was 1989

Tim saying onset 20% (as opposed to DSS's 20% finding)

If Tim was 35% at 92 then obviously he had
disease prior to then and back to his original
date of 89. Anything else is not possible.

Pains in chest 85 > ^{heart pains} _{nervous disability}

24/3/92 to 23.4.93 35%

25.4.93 to 97 50%

looking for either procedural factor — to get tribunal decision set aside.

The aggravation was NOT unforeseen by ~~the~~ victim. This is why he has fought for reassessment. He knew his condition had deteriorated. He argued that only a CT scan would determine his true condition.

Asbestosis is a progressive lung condition. By its very nature aggravation is foreseen; it is a matter of time.

~~If~~ we argue that a CT scan was a necessary and decisive factor in the ~~procedural~~ victim's appeal

② looking for point of law outside of natural justice if possible. How can victim be 20% for 3 years and 35% for six months? Surely by ~~his~~ ~~scout's~~ ~~proverbial~~ nature of the disease ie progressive

WED 30TH NOV

letter to Fleming Reid, to clarify position
on wage loss, (no time bar, no diagnosis)

until 1990 - tried March 5/5/89

New Kerr report on CT indicates on balance
of probability that the earlier (82) was
osteosis-linked

counsel didn't explain etc